

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,
ex rel. Danielle Duncan

Plaintiff,

v.

MR. COOPER GROUP, INC.,

Defendant.

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C.A. No. 20-489-RGA

FILED UNDER SEAL

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States hereby notifies the Court of its decision not to intervene in this *qui tam* action.

Although the United States declines to intervene, the government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; provided, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Accordingly, the United States respectfully requests that, should either the relator or the defendants propose that this action be dismissed, the Court should require the parties to solicit the written consent of the United States.

In addition, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that the Court enter an order requiring the parties to serve all pleadings filed and orders issued in this action upon the counsel for the United States. The United States reserves the right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator’s action or claim. *See id.* The United States also requests that the parties be ordered to serve counsel for the United States with all notices of appeal.

Finally, the United States requests that the relator's Amended Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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UNITED STATES ATTORNEY

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Dated: June 8, 2022

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[PROPOSED] ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), it is hereby ORDERED that:

1. The Amended Complaint shall be unsealed and served upon the defendant by the relator;
2. All other contents of the Court's file in this action shall remain under seal and not be made public or served upon the defendants, except for this Order and the United States' Notice of Election to Decline Intervention, which the relator shall serve upon the defendants only after service of the Amended Complaint;
3. The seal shall be lifted as to all other matters occurring in this action after the date of this Order;
4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon counsel for the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and may intervene in this action, for good cause, at any time;
5. The parties shall serve all notices of appeal upon counsel for the United States;

6. The relator shall serve all orders of this Court upon counsel for the United States;
and
7. Should the relator or the defendants propose that this action be dismissed, settled,
or otherwise discontinued, the parties must obtain written consent of the United
States before the Court rules or grants its approval.

IT IS SO ORDERED, this ____ day of _____, 2022.

HONORABLE RICHARD G. ANDREWS
United States District Judge